

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MADINAH ALOMAR,

Plaintiff,

07-CV-5654 (CS) (PED)

- against -

FNU RECARD, JASON JENNINGS, FNU Johnson, and
JOHN DOE,

Defendants.
-----X

**MEMORANDUM DECISION
AND ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Appearances:

Madinah Alomar
Plaintiff Pro Se

Alex J. Smith
Middletown, New York
Counsel for Defendants

Seibel, J.

Before the Court is the Report and Recommendation ("R&R") dated December 16, 2009, of Magistrate Judge Paul E. Davison in this action. (Doc. 24.)

A district court reviewing a magistrate judge's R&R "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the R&R, but they must be "specific" and "written," and submitted "[w]ithin 10 days after being served with a copy of the recommended disposition." Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the R&R to which no timely objections have been made, provided no clear error is apparent from the face of the record. *See Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Nelson v. Smith*,

618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); Fed. R. Civ. P. 72 advisory committee's note (b).

Plaintiff's time to object to the R&R has run and she has filed no objections. I discern from the face of the record no clear error in the recommendation of the R&R, and accordingly it is adopted as the decision of the Court. The Motion to Dismiss is granted, and the Clerk of the Court is respectfully directed to terminate the pending motion (Doc. 23), and close the case.

SO ORDERED.

Dated: February 8, 2010
White Plains, New York



CATHY SEIBEL, U.S.D.J.